



California Regional Water Quality Control Board

Santa Ana Region



Terry Tamminen
Secretary for
Environmental
Protection

3737 Main Street, Suite 500, Riverside, California 92501-3348
(951) 782-4130 • Fax (951) 781-6288
<http://www.waterboards.ca.gov/santaana/>

Arnold Schwarzenegger
Governor

November 16, 2004

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Mr. Paul Jones II, General Manager
Irvine Ranch Water District
15600 Sand Canyon Ave.
Irvine, CA 92619

MANDATORY MINIMUM PENALTY COMPLAINT NO. R8-2004-0105

Dear Mr. Jones:

Enclosed is a copy of Mandatory Penalties Complaint No. R8-2004-0105. The complaint is in response to violations of effluent limitations specified in your waste discharge requirements, Order No. 01-95. It was issued pursuant to California Water Code Section 13385 (i) and proposes the assessment of a penalty of \$9,000 for three violations that occurred between February 2004 and April 2004.

Should you wish to waive your right to a public hearing on this matter, please sign the enclosed waiver form and submit it, along with the bottom portion of the attached invoice and a check or money order for the amount of \$9,000, by December 2, 2004, to the address on the invoice. If you do not wish to waive your right to a public hearing on this matter, a hearing will be held before the Regional Board at its regularly scheduled meeting on December 20, 2004 in Loma Linda.

Should you have any questions, please contact me at (951) 782-3284, Gary Stewart, Chief of the Board's Surveillance and Enforcement Section, at (951) 782-4379, or Jorge Leon, the Regional Board's staff counsel, at (916) 341-5180.

Sincerely,

Gerard J. Thibeault
Executive Officer

California Environmental Protection Agency

Mr. Paul Jones II
Complaint No. R8-2004-0105

- 2 -

November 16, 2004

Enclosure: Complaint No. R8-2004-0105
Invoice

cc: w/enclosure (Complaint)

U.S. EPA - CWA Compliance Office (WTR-7)
State Water Resources Control Board – Office of the Chief Counsel, Jorge Leon
State Water Resources Control Board – Division of Water Quality
Orange County Coastkeeper
Lawyers for Clean Water
Regional Board

wmn/data/mmmps/irwdR8-2004-0105mmptransmittal.doc


1. The Irvine Ranch Water District (IRWD) is alleged to have violated provisions of law for which the California Regional Water Quality Control Board (Board), Santa Ana Region, must impose mandatory penalties pursuant to California Water Code (Water Code) Section 13385 (h) and (i).
2. A hearing concerning this complaint will be held before the Board during the Board's regular meeting on December 20, 2004 at the Loma Linda City Council Chambers, 25541 Barton Road, Loma Linda, unless IRWD waives its right to a hearing. Waiver procedures are specified on Page 2 of this complaint. IRWD or its representatives will have an opportunity to appear and be heard and to contest the allegations in this complaint and the imposition of mandatory penalties by the Board.
3. This complaint is based on the following facts:
 - a. On December 19, 2001, the Board adopted Waste Discharge Requirements (WDR) Order No. 01-95 (NPDES No. CA8000326), for IRWD. These requirements regulate discharges of waste from the Michelson Water Reclamation Plant.
 - b. IRWD submitted self-monitoring reports (February 2004 through April 2004) for the Michelson Water Reclamation Plant, which show effluent limit violations of chlorine residual entering the Rattlesnake Reservoir on February 25, March 3, and April 28, 2004.
4. Water Code Section 13385 (h) and (i) requires the Board to assess a mandatory minimum penalty of three thousand dollars (\$3,000) for each serious violation. All of the violations noted above are considered serious violations.
5. In accordance with Water Code Section 13385(c), the Board may impose administrative civil liability for the three violations noted above. The maximum administrative civil liability that may be imposed for these violations is \$30,000 (\$10,000 per day of violation), plus an additional assessment of \$10 per gallon of effluent discharged during the duration of the violation episode, in excess of the first 1000 gallons of effluent.

6. The Executive Officer proposes that mandatory penalties of \$9,000 be imposed on IRWD by the Board for the violations cited above.

You may waive your right to a hearing. If you waive your right to a hearing, please sign the attached waiver, which is Page 3 of this complaint, and return it together with a check payable to the State Water Resources Control Board in the amount of the mandatory penalties proposed in paragraph 6, above.

If you have any questions regarding this complaint, please contact the undersigned, at (951) 782-3284, or Gary D. Stewart, Surveillance and Enforcement Section Chief at (951) 782-4379, or the Board's staff counsel, Jorge Leon, at (916) 341-5180.

11-16-04
Date


Gerard J. Thibeault
Executive Officer

California Regional Water Quality Control Board
Santa Ana Region

IN THE MATTER OF:)

Irvine Ranch Water District)
15600 Sand Canyon Ave.)
Irvine, California 92619)

Complaint No. R8-2004-0105
for
Mandatory Penalties

WAIVER OF HEARING

Irvine Ranch Water District agrees to waive its right to a hearing before the Santa Ana Regional Water Quality Control Board with regard to the violations alleged in Complaint No. R8-2004-0105. IRWD has enclosed a check made payable to the State Water Resources Control Board in the amount of \$9,000 in settlement of Complaint No. R8-2004-0105. IRWD understands that it is giving up its right to be heard and to argue against allegations made by the Executive Officer in Complaint No. R8-2004-0105, and against the imposition of, and amount of, the mandatory penalties.

Date

for Irvine Ranch Water District



State Water Resources Control Board



Terry Tamminen
Secretary for
Environmental
Protection

*The energy challenge facing California is real.
Every Californian needs to take immediate action to reduce energy consumption.
For a list of simple ways you can reduce demand and cut your energy costs, see our website at <http://www.swrcb.ca.gov>*

**Arnold
Schwarzenegger**
Governor

To:

IRVINE RANCH WATER DISTRICT
P O BOX 57000
IRVINE, CA 92719-7000

Invoice No: 54981
Invoice Date: 11/16/2004
Enforcement Action ID: 95270
Enforcement Order No: R8-2004-0105

INVOICE

Milestone ID	Description	Amount	Due Date
62892	LIABILITY AMOUNT	\$9,000.00	12/16/2004
TOTAL AMOUNT DUE		\$9,000.00	

California Environmental Protection Agency



Retain above portion for your records

Please return bottom portion with your payment

IRVINE RANCH WATER DISTRICT
P O BOX 57000
IRVINE, CA 92719-7000

Make your check payable to:

State Water Resources Control Board

Milestone ID	Description	Amount	Due Date
62892	LIABDUE	\$9,000.00	12/16/2004
TOTAL AMOUNT DUE		\$9,000.00	

Mail payment to:

SWRCB ACCOUNTING
ATTN: ENFORCEMENT
P. O. Box 100
SACRAMENTO, CA 95812-0100

Amount Enclosed: \$ _____

PLEASE PRINT THE FOLLOWING INVOICE NUMBER ON YOUR CHECK: **54981**

Invoice Date: 11/16/2004
Enforcement Action ID: 95270
Enforcement Order No.: R8-2004-0105

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SANTA ANA REGION
3737 MAIN STREET, SUITE 500
RIVERSIDE, CALIFORNIA 92501-3348**

**NOTICE OF PUBLIC COMMENT PERIOD AND POSSIBLE PUBLIC HEARING
Regarding
Mandatory Minimum Penalties Complaint No. R8-2004-0105
For
Irvine Ranch Water District**

Irvine Ranch Water District (IRWD) is alleged to have violated provisions of law for which the California Regional Water Quality Control Board, Santa Ana Region, must impose Mandatory Minimum Penalties, pursuant to California Water Code Section 13385. IRWD is alleged to have violated chlorine residual limits contained in its waste discharge requirements, Order No. 01-95, between February 2004 and April 2004.

On the basis of preliminary staff review and application of lawful standards and regulations, Complaint No. R8-2004-0105 for mandatory minimum penalties was issued to IRWD by the Executive Officer of the Regional Board on November 16, 2004. The complaint proposes a mandatory minimum penalty of \$ 9,000.

The complaint and related documents may be inspected and copied at the Regional Board office at 3737 Main Street, Suite 500, Riverside, California, by appointment between the hours of 9:00 a.m. and 3:00 p.m., Monday through Thursday. Appointments may be scheduled by calling the Regional Board office at (909) 782-4130.

Interested persons are invited to submit written comments on this matter. Comments must be submitted by December 10, 2004.

Unless IRWD waives its right to a public hearing, a hearing on this matter will be held as follows:

**DATE: December 20, 2004
TIME: 9:00 a.m.
PLACE: Loma Linda City Counsel Chambers
25541 Barton Road
Loma Linda, CA**

If a hearing is held, interested persons are invited to attend and express their views regarding this mandatory minimum penalty complaint. Persons making presentations should confine their statements to the issues addressed in the complaint. Oral statements will be heard, but should be brief to allow all interested persons time to be heard. For the accuracy of the record, all testimony (oral statements) should also be submitted in writing.

Any person who is physically handicapped and requires special accommodations to participate in this hearing should contact Catherine Ehrenfeld at (909) 782-3285 no later than December 10, 2004.

Please bring the foregoing to the attention of any persons known to you who may have an interest in this matter.